REMARKS

Claim Changes

Claim 1 is amended to recite that "classifying includes classifying a Transmit/Discontinuous Transmit (TX/DTX) condition associated with each of the first and the second frame," and "the second frame of the second channel." Claim 1 is further amended to recite that "wherein the first condition being a discontinuous transmission (DTX) condition, and the second condition being at least one of a transmission (TX) condition or an erasure condition." These changes are based at least on FIG. 2 and the accompanying description on page 11, line 22 to page 12, line 9 of the specification as filed. Thus, no new matter is added.

Claim 11 is amended to recite "the second parameter associated with the second frame on the second channel." Claim 11 is amended to clarify and simplify the language.

Claim 18 is amended to recite "the second parameter including one or more of: a second TX/DTX parameter, a second rate parameter, a second quality parameter, and a content parameter associated with the first frame on the second channel." Claim 18 is further amended to recite "the second parameter associated with the first frame on the second channel." These changes are based at least on FIG. 2 and the accompanying description on page 11, line 24 to page 12, line 2, and page 21, lines 14 and 15 of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1-24 under 35 U.S.C. § 103 (a) as being unpatentable over US
2002/0086692 (Chheda) in view of US 2002/0160782 (Joshi)

Applicant respectfully traverses in part and amends in part. Applicant has amended the
claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the
rejection of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Chheda in view of
Joshi as herein amended.

The Office Action on page 3, item 1 states "Chheda et al. does not specifically include re-
classifying the first frame from a first condition of the first frame to a second condition of the
first frame based on the classifying the second frame." In the Office Action, it is acknowledged
that Chheda does not disclose this but that "Joshi et al. teaches checking first frame to meet
condition to classify second frame (paragraph [0029], [0041], [0047], [0053], Joshi et al. teaches
data rate frames and variable rates for multiple channels)."

Applicant respectfully submits that the Chheda or the combination of Chheda and Joshi
does not teach or suggest all the claim limitations as set forth in independent claim 1.
Specifically, claim 1, as amended, recites "*re-classifying the first frame* from a first condition of
the first frame to a second condition of the first frame *based on the classifying the second frame*,
the first condition being a discontinuous transmission (DTX) condition, and the second condition
being at least one of a transmission (TX) condition or an erasure condition." These specific
limitations are not taught or suggested in Chheda or the combination of Chheda and Joshi.

Joshi discloses that a wireless receiver determines a likely data rate for each of the
decoded data frames. See para. [0014], lines 13-15. The wireless receiver then correlates all of
the likely data rates to one another in all the received channels, and determines a maximum
likelihood (ML) combination of data rates. See Para. [0057], lines 1-3 and lines 7-10. Further,
the likely data rate of each decoded frame is compared with the ML combination of data rates. If
the likely data rate of the decoded frame does not match corresponding ML combination of data
rates, the decoded frame is invalidated and erased. See para. [0059], lines 1-5 and para. [0014],
lines 21-23.

Applicant respectfully disagrees with the statement in item 1, page 3, of the Office Action dated April 10, 2007 that "Joshi et al. teaches checking first frame to meet condition to classify second frame (paragraph [0029], [0041], [0047], and [0053])." Joshi is simply directed to evaluating a frame as a valid frame or an invalid frame, and is not directed to re-classifying the frame from one condition, e.g. DTX, to another condition, e.g. TX or Erasure. See para. [0014], para. [0059], lines 1-5 and para. [0014], lines 21-23 of Joshi. In contrast, Applicant's claim recites "re-classifying the first frame from a first condition of the first frame to a second condition of the first frame." Nonetheless, Applicant has amended the claim to clarify that the first condition is a discontinuous transmission (DTX) condition, and the second condition is a transmission (TX) condition or an erasure condition, which is also not disclosed by Joshi.

To the extent that the cited paragraphs of Joshi do teach classifying the second frame by checking the first frame, Applicants respectfully submit that this does not disclose, teach or otherwise the limitations of the present claims which *re-classify* the first frame based on the second frame. Applicants note that the claims require that the first frame be re-classified. The term "re-classify" denotes, and the claims specifically require, that the first frame have already received an original classification. The cited combination does not describe the re-classification or the changing of a classification from an original classification to a subsequent classification based on the classification of another frame in another channel. The cited combination addresses only the original classification.

In addition, Joshi discloses that a frame is invalidated by comparing the likely data rate of the frame with the ML combination of data rates. The ML combination of data rates is obtained by correlating the likely data rates in all the received channels. Thus, in Joshi, the frame is invalidated based on the likely data rates in all the channels. See Para. [0057], lines 1-3 and lines 7-10 of Joshi. In contrast, Applicant's claim recites "re-classifying the first frame...based on the classifying the second frame of the second channel." For example, the first frame is re-classified from DTX condition to TX condition based on the classification of the second frame of only the second channel.

In view of the foregoing, both Chheda, as admitted in the Office Action, and Joshi do not teach or suggest the claim limitations of "re-classifying the first frame from a first condition of the first frame to a second condition of the first frame based on the classifying the second frame, the first condition being a discontinuous transmission (DTX) condition, and the second condition being at least one of a transmission (TX) condition or an erasure condition" as required by independent claim 1, so the Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C 103.

Regarding independent claims 11 and 18, Applicant respectfully submits that the above discussed arguments apply equally to the limitations of claims 11, and 18, as amended. Applicant therefore respectfully requests withdrawal of the rejection of claims 11 and 18 under 35 U.S.C 103.

For the above reasons, Applicant submits that claims 1, 11, and 18 are not obvious in combination of Chheda and Joshi, and therefore that the rejection of claims 1, 11, and 18 under 35 USC 103(a) should be withdrawn. Applicant requests that claims 1, 11, and 18 now be passed to allowance.

Dependent claims 2-10, 12-17, and 19-24 depend from, and include all the limitations of independent claims 1, 11, and 18 respectively. Therefore, Applicant respectfully requests reconsideration of dependent claims 2-10, 12-17, and 19-24 and requests the withdrawal of the rejection of these claims. Applicant requests that claims 2-10, 12-17, and 19-24 now be passed to allowance.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,
Sanjeev Garg

SEND CORRESPONDENCE TO:

By: /Simon B. Anolick/

Motorola, Inc.
Law Department

Simon B. Anolick
Attorney for Applicant
Registration No.: 37,585

Customer Number: **22917**

Telephone: 847-576-4234
Fax: 847-576-3750